

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

March 13, 2001

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. **Personnel Report** *(DiAnne Broussard)*

New Employee Hires

Benjamin Neill, Water Resources Control Engineer, began working in the Southern Watershed Protection Unit on January 22, 2002. He and his family just moved to San Diego from Lincoln, Nebraska. Anthony Felix, also a Water Resources Control Engineer, began working in the Industrial Compliance Unit on January 25, 2002. He moved to San Diego from Auburn, Alabama. His family will join him after the school year ends. Megan Fisher, Environmental Scientist, from the Los Angeles Regional Water Quality Control Board accepted a transfer to San Diego. She began work on February 13, 2002 in the Watershed Protection Northern Region Unit.

Recruitment

The Business Services Section has recruited Office Technician Sylvia Wellnitz from CAL/EPA's Regional Permit Assistance Center in downtown San Diego. She will begin work on March 18, 2002.

The interview process for two senior staff members has been completed. Craig Carlisle was selected to supervise the Pollutant Load Reduction Program Unit. Stacey Baczkowski was selected to supervise was the Compliance Assurance Unit. We are waiting for approval from Department of Finance for our freeze exemption requests so that we may appoint them to their new positions.

2. **Student Intern Program** *(DiAnne Broussard)*

Cassandra Gaston was hired in December to work in the DOD Site Mitigation Unit. She is majoring in Biochemistry at the University of California San Diego.

3. **Visitors to the Office** *(DiAnne Broussard)*

During the month of December 2001, we received 155 visitors to the Regional Board office. A total of 2386 persons visited the Regional Board office in 2001. The total number of visitors to the office reached 2,354 for the entire year in 2000. During the month of January 2002, we received 293 visitors to the Regional Board office. During the month of February 2002, we received 254 visitors to bring the total so far this year to 547.

4. **System for Water Information Management (SWIM) Database Update** *(John Odermatt and Denise Rhaney)*

Four Regional Board staff (Ms. Denise Rhaney and Messers. Mark Alpert, Brian Kelly and John Odermatt) attended a SWIM-development meeting via teleconference on February 22, 2002. Staff from the State Water Resources Control Board and representatives from other Regional Boards provided comments on the user interface (i.e., data entry screens) in the current Compliance Module for the SWIM database. The SWRCB Programmers will use the information collected from the user group to create the new user interface in the internet based SWIM II database.

PART B

SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Sanitary Sewer Overflows (SSO) and Other Wastewater Overflows (*Victor Vasquez, Adam Laputz, Chiara Clemente, David Hanson, Bryan Ott*)

In February 2002, there were 31 sanitary sewer overflows from public sewage collection systems reported to the Regional Board office; 19 of these spills reached surface waters or storm drains, but none resulted in closure of recreational waters. Of the total number of overflows from public systems, 9 were 1,000-gallons or more. An additional 13 sewage overflows from private property were also reported in February, of which one was 1,000 gallons or more. Five of the private property spills reached surface waters or storm drains, but none resulted in closure of recreational waters. Regional Board staff has updated the sewer overflow statistics for each sewer agency by fiscal year since FY 1998-99 in the attached table entitled "Sanitary Sewer Overflow Statistics."

A total of 0.17 inches of rain was recorded at San Diego's Lindbergh Field in February. For comparison, 0.32 inches of rain was recorded and 40 public SSOs were reported in January 2002. In February 2001, 2.38 inches of rain was recorded and 48 public SSOs were reported.

Six Notices of Violation (NOVs), three with Requests for Technical Information (RTIs), were issued in February for several recent and significant overflows. NOVs were issued to the following agencies:

Garden View Apartments, Escondido

The City of Escondido (City) reported a 4,500-gallon sanitary sewer overflow from the Garden View Apartments on 250 South Rose Street in Escondido that occurred on February 16, 2002. A report from the City's Public Works Department attributed the cause of the overflow to a blockage in a 6-inch private service lateral. City crews were able to recover approximately 1,000 gallons of the overflow. The remaining 3,500 gallons resulted in a discharge to a storm drain which drains to Escondido Creek, tributary to San Elijo Lagoon and the Pacific Ocean. Signs warning of contamination were posted at public access sites along Escondido Creek to Elfin Forest Park for 3 days. According to Regional Board records, a similar sanitary sewer overflow of 4,800 gallons took place on June 6, 2001 also from an obstructed 6-inch private service lateral owned

and operated by the Garden View Apartments. The City issued the Garden View Apartments a Notice of Correction for the recent sanitary sewer overflow.

City of Escondido:

The City of Escondido (City) notified this office of a 480-gallon sanitary sewer overflow from a sewer manhole that occurred on February 16, 2002. The City attributed the cause of the overflow to a large rock in an 8-inch sewer line which partially blocked the pipe and caused the flow to back up and discharge from the manhole during peak flow periods. The overflow resulted in a discharge to a storm drain which drains to Escondido Creek, tributary to San Elijo Lagoon and the Pacific Ocean. Signs warning of contamination were posted at public access sites along the affected reach of Escondido Creek for 3 days.

2. Total Maximum Daily Load (TMDL) Activities Update *(Alan Monji)*

TMDL Overview

In accordance with Section 303(d) of the Clean Water Act (CWA), the state must identify waterbodies that are not meeting water quality standards based on available pollution controls. The CWA also requires states to establish a priority ranking for waters on the 303(d) list of impaired waters and establish Total Maximum Daily Loads (TMDLs) for such waters. A TMDL is an action plan for reducing and allocating the loads of a specific pollutant to an impaired water body. TMDLs are developed for the purpose of ensuring that water quality standards are attained and beneficial uses restored.

The first six tasks in the “development phase” of a TMDL include preparation of the Problem Statement, Numeric Target, Source Analysis, Linkage Analysis, Load Allocations and Wasteload Allocations, and Margin of Safety. Together these elements comprise what is commonly known as a “Technical TMDL”.

When the development phase is near completion, the “Implementation Planning” phase begins. The Implementation Plan describes best management practices, point source controls or other actions necessary to implement the TMDL. The Plan describes how and when necessary controls / restoration actions will be accomplished, and who is responsible for implementation. Developing a Monitoring Strategy is also part of Implementation Planning. The Monitoring Strategy specifies the monitoring activities needed to assess the effectiveness of the TMDL and includes a schedule for reviewing and (if necessary) revising the TMDL and associated implementation elements. Stakeholder participation is an essential part of TMDL development and implementation.

The draft technical TMDL, Implementation Plan, Monitoring Strategy, and proposed Basin Plan Amendment are subject to independent scientific peer review. Upon responding to peer review comments and making appropriate revisions, the formal public review process begins. This process will culminate in a formal public hearing in which the Regional Board will consider adoption of the Basin Plan Amendment. Incorporation of the regulatory provisions of the TMDL into the Basin Plan is the mechanism that makes the TMDL enforceable and ensures its implementation.

Upon adoption by the Regional Board, the TMDL is subject to approval by the State Board, the Office of Administrative Law (OAL) and USEPA. Only upon approval by USEPA is the TMDL effective. The final phase, "Implementation" by the responsible parties is overseen by the Regional Board.

Additional TMDL information and guidance documents can be found on the World Wide Web. Some useful web sites are: www.EPA.gov/OWOW/tmdl/decisions, www.swrcb.ca.gov/rwqcb9/TMDL/tmdl, and www.swrcb.ca.gov/quality.

General Progress on TMDL Projects

Currently, there are seven TMDLs in progress. Two of the seven, Rainbow Creek – Nutrients and Chollas Creek – Diazinon will be presented to the Regional Board for consideration of adoption this fiscal year, tentatively May 2002 and June 2002, respectively.

Chollas Creek - Diazinon *(Linda Parady)*

The draft technical TMDL has been formally peer reviewed and staff has responded to all peer reviewer comments. Where appropriate, changes have been made to the draft technical TMDL to accommodate reviewers comments.

The Implementation Plan, Monitoring Plan, Basin Plan amendment, Staff Report, Economic Consideration, CEQA checklist, Regional Board Resolution, Notice of Public Workshop, Notice of Public Hearing and Notice of Filing have been completed and the entire package is currently undergoing internal management review. Upon completion, the package will be released for a 45-day public review and comment period. The tentative public workshop is expected to be scheduled for April 2002 and the tentative Public Hearing is expected to be scheduled for June 2002.

Rainbow Creek - Nutrients *(Lisa Brown and Alan Monji)*

The formal scientific peer review of the draft staff report is in progress. All three peer reviews have been received as of February 14, 2002. Staff is preparing written responses to comments.

The remaining three components of the staff report - the Economic Considerations, CEQA checklist, and Regional Board resolution - are currently under development. Staff is working with State Board economist, Jerry Horner, regarding the economics discussion. Legal review of the environmental review discussion, the Environmental Checklist, and draft resolution is still pending.

Once completed, the staff report is expected to be released for public review in mid-March 2002. Staff expects to hold one public workshop during the public review period. The Regional Board Hearing for the consideration to incorporate the TMDLs into the Basin Plan is expected in May 2002.

Chollas Creek - Metals *(Lisa Brown and Alan Monji)*

The draft Problem Statement, Numeric Targets, and Source Analysis have been submitted to USEPA for review, and these draft documents are posted on the Regional Board web site. So far, USEPA has only minor comments on these drafts. The Industrial Environmental Association (IEA) has also provided comments on these drafts.

The drafts of the Load Allocations, Linkage Analysis, and Margin of Safety are complete and have been reviewed by Regional Board staff. However, these drafts need revision since new data were collected in Chollas Creek after the original drafts were completed, and the data may alter load allocations and source estimates. The Chollas Creek draft revisions are on hold while staff focuses attention on completing the Rainbow Creek Nutrients TMDLs. When work on this TMDL resumes, it will be conducted by newly assigned staff members (the staff person that developed this TMDL recently resigned).

Shelter Island Yacht Basin - Dissolved Copper *(Lesley Dobalian and Christina Arias)*

The draft technical TMDL and monitoring strategy have been completed. The draft Implementation Plan continues to undergo internal revision. As advised by State Board, it was decided that drafts of the technical TMDL, Implementation Plan including the monitoring strategy, and the Basin Plan amendment will be sent out for peer review as a complete package. Staff is currently in the process of writing the Basin Plan amendment. It is expected that the Regional Board Hearing will consider amending the Basin Plan to incorporate the TMDL in August 2002.

Staff was invited and will serve on a San Diego Advisory Committee for Environmentally Superior Antifouling Paints, as established in Senate Bill 315 (Alpert) which became law on October 4, 2001. The purpose of the committee will be to make recommendations and to advise in the preparation of a report by the University of California to identify incentives necessary to ensure that nontoxic alternatives to metal-based antifouling hull coatings are used for recreational vessels. The report, required under subdivision (a) of the law, shall be submitted on or before December 31, 2002 to all of the following: (1) the Legislature, (2) the San Diego Regional Water Quality Control Board, and (3) the Department of Boating and Waterways.

San Diego Bay / Near Chollas Creek – Contaminated Sediment *(Alan Monji and Tom Alo)*

Internal review continues on the rough draft versions of the Problem Statement and Numeric Targets. Revisions will be made to these drafts once comments are received.

SCCWRP has recently submitted summaries of the toxicity testing results from the 14 sampling stations and 6 reference stations. The results of the toxicity testing will be used to document the extent, spatial pattern, and relative magnitude of acute toxicity and sublethal effects in the San Diego Bay sediments near the mouth of Chollas Creek. It is anticipated that the sediment chemistry, benthic community composition, and bioaccumulation results will be submitted in March 2002.

Lastly, we have requested that SCCWRP and the U.S. Navy informally present the results of the sediment quality data that has been collected to date to Regional Board staff. The presentation is tentatively scheduled in March 2002.

San Diego Bay / Seventh Street Channel – Contaminated Sediment *(Tom Alo and Brennan Ott)*

Internal review continues on the rough draft versions of the Problem Statement and Numeric Targets. Revisions will be made to these drafts once comments are received.

SCCWRP has recently submitted summaries of the toxicity testing results from the 17 sampling stations and 6 reference stations. The results of the toxicity testing will be used to document the extent, spatial pattern, and relative magnitude of acute toxicity and sublethal effects in the San Diego Bay sediments at Seventh Street Channel. It is anticipated that the sediment chemistry, benthic community composition, and bioaccumulation results will be submitted in March 2002.

Lastly, we have requested that SCCWRP and the U.S. Navy informally present the results of the sediment quality data that has been collected to date to Regional Board staff. The presentation is tentatively scheduled in March 2002.

Mission Bay –Bacteria *(Christina Arias and Lesley Dobalian)*

At present, approximately \$8 million has been currently committed or proposed for the conduct of numerous ongoing or proposed research projects to address elevated bacteria levels in Mission Bay. Approximately \$4.0 million of that total is State funds in the form of Cleanup and Abatement Account and Clean Beaches Initiative dollars. An additional \$1.5 million of the total is the result of supplemental environmental projects (SEPs) approved by this Board. It is anticipated that the results of these numerous investigations will provide information needed for the development of the Mission Bay TMDL for bacteria.

As part of the Regional Board's recent efforts to oversee the efficient usage of State funds for these projects, staff has met with the City of San Diego for the purpose of providing guidance and developing mutual understanding. On February 1, 2002 staff met with the City to communicate the Regional Board's concerns, which include fiscal accountability, interrelationship of projects, overall management, and the need for protection of Rose and Tecolote Creeks. These concerns were also communicated in my letters dated December 18, 2001, and January 31, 2002 which requested clarification, by the City on each issue. In response, the City submitted the Mission Bay Water Quality Management Plan on February 8, 2002. We are currently in the process of reviewing this document. The Management Plan is a working document that will continue to be updated as Regional Board and City staffs continue to develop mutual goals.

During a meeting on February 22, the City advised staff that it is organizing a Science Advisory Committee for the purpose of providing guidance and oversight for all of the Mission Bay projects. This Committee includes the Regional Board, pertinent

stakeholders, environmental groups, and technical experts. The first scheduled meeting for this Committee is March 27, 2002.

3. Clean Water Act Section 401 Water Quality Certification Actions Taken in February 2002 (*Stacey Baczkowski*)

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	CERTIFICATION ACTION
2/5/02	Naval Base Point Loma	Bank Stabilization	Reconstruct and replace 150 linear feet of existing riprap to stabilize shoreline.	Conditional
2/11/02	North San Diego County Transit Development Board	Bridge 259.6 Emergency Repair	The proposed project consists of the emergency repair of a wooden railway bridge. The repairs will be temporary until a new bridge is constructed. This 401 Certification is for the access and temporary modification (diversion and fill) to the streambed of Rose Creek to accommodate repairs	Conditional
2/11/02	Aliso Water Management Agency	Aliso Creek Emergency Sewer and Park Improvements Project	Installation of three pipelines along the west side of Aliso Creek; a replacement sewer, replacement sludge force main, and a new reclaimed water pipeline.	Conditional
2/11/02	County of Orange Integrated Waste Management	Prima Deshecha Landslide Remediation Project	Realign existing creek as part of landslide remediation at active landfill.	Conditional
2/11/02	Brookfield, Shea, Otay, LLC	Village 11 Development	Construction of 996 single-family homes within 16 neighborhoods, 1308 multi-family homes, 20 acres of park facilities, an elementary and junior high school.	Conditional
2/11/02	GMMGW (KB Homes)	Borden Road Project	Development of 85 residential homes, park, and associated infrastructure	Conditional
2/13/02	City of Carlsbad/Calavera Hills II, LLC	Calavera Hills Master Plan Phase II, Bridge and Thoroughfare District No. 4, and Detention Basins	Extension of both College Boulevard and Cannon Road within the Bridge and Thoroughfare District No. 4. Two detention basins are proposed to help alleviate flooding in the existing Rancho Carlsbad Mobile Home Park.	Order No. R9-2002-0014
2/20/02	Port of San Diego	Programmatic 401	Maintenance of existing	Conditional

		Certification - Maintenance	marine facilities including piers, wharves, marine terminals, mooring facilities, floats, and bulkheads.	
2/20/02	Davis Partners, LLC	Palomar Forum	Development of 68.9 acres into an industrial park, with associated access roads.	Withdrawn
2/25/02	Sempra Energy for San Diego Gas and Electric (SDG&E)	SDG&E Gas Pipeline Road Repair Project	Provide access for maintenance of an existing natural gas pipeline and repairs to access road including replacing culverts, widening road, constructing headwalls, and repairing concrete basin.	Standard
2/26/02	Mcmillin Land Development	Long Valley Wash Restoration	Implementation of mitigation within Long Valley Wash to resolve a violation.	Conditional
2/27/02	Old Coach Realty, Inc	Heritage Estates	The construction of two pedestrians/horse bridges in association with the City of Poway trail system and the Heritage Estates subdivision	Conditional
2/27/02	Black Canyon Development Trust	Black Canyon Development	45 single family residential units on 134 acres.	Conditional

Public notification of pending 401 Water Quality Certification applications can be found on our web site at http://www.swrcb.ca.gov/rwqcb9/Programs/Special_Programs/401_Certification/401_certification.html.

4. Bight'03 Regional Monitoring Program (*Pete Michael*)

The Southern California Coastal Water Research Project (SCCWRP) will coordinate the third regional monitoring program for marine waters in the Southern California Bight in 2003. The second effort held in late 1998 and early 1999 covered the coast and offshore islands from Point Conception to a point south of Ensenada, Mexico. Participants in the Bight'98 program, the largest regional marine monitoring program ever fielded, consisted of 62 organizations including three regional boards; cities; counties; ports; private and public laboratories; volunteer groups; other local, state, and Navy and civilian federal agencies; and academic institutions in the U.S. and Mexico. With regional monitoring planned to occur every five years, this program will provide trend information of value to coastal regional boards to document improvements in water quality. The San Diego Regional Board is being asked to participate in Bight'03.

Bight'98 samples addressed water and sediment chemistry, toxicity, animal assemblages found on the bottom, fish populations, animal tissues, bacteria, viruses, and chemicals associated with sewage and urban runoff. By taking a regional approach, conclusions could be drawn about the effects of pollutants on broad areas rather than providing compliance monitoring data about effects "at the end of the pipe." The executive officers of the Los Angeles, Santa Ana, and San Diego Regional Boards agreed with Dr. Steve

Weisberg, Director of SCCWRP, to suspend a portion of the receiving water compliance monitoring of publicly-owned treatment works (POTWs) to allow funds to be devoted instead toward answering larger regional questions about the health of the ocean and harbors. During Bight'98, Assistant Executive Officer Art Coe chaired the SCCWRP Commission.

The San Diego Regional Board helped fund Bight'98 through agreement with the City of San Diego to provide \$300,000 for intensive surveys of San Diego Bay under the San Diego Bay Panel's cooperative monitoring program. These funds were contributed in lieu of penalties. The funding allowed valid statistical comparisons of the water quality status of the Los Angeles/Long Beach and San Diego Bay harbors. Bight'98 reports may be downloaded from www.sccwrp.org.

In his December 11, 2001 letter from the director of SCCWRP to Chairman Minan, Dr. Stephen Weisberg urged the San Diego Regional Board members "... *when considering penalties for discharges that impact or may impact our near-shore waters, you consider Supplemental Environmental Credit Projects that support the regional monitoring effort.*" Dr. Weisberg's letter is attached (B-4).

5. San Juan Creek Watershed Bacteria Study (Jeremy Haas)

On December 14, staff received the second quarterly report from the County of Orange for the San Juan Creek Watershed Bacteria Study, funded per SWRCB contract 9-182-190-0. The objectives of the contract are to survey concentrations of bacteria in the watershed (completed), determine the sources of bacteria at problem areas (ongoing), and to compare two laboratory techniques of source identification (pending). During the watershed study phase, bacteria data were collected for 11 weeks during dry-weather from 36 sites within the San Juan Creek watershed, including 6 storm drains, 27 in-stream sites, and 3 ocean sites. Fecal coliform and enterococcus concentrations were higher in San Juan Creek at PCH and the mouth compared to most sites upstream. Overall water quality measured against REC 1 standards was poor. During the 11 weeks, three sites (1 ocean and 2 creek) were 100% compliant with REC 1 objectives. The creek sites achieving REC 1 were in San Juan Creek above and below the confluence with Trabuco Creek. Five of six storm drains and 11 of 19 creek sites had zero % compliance with the REC 1 objective. Compared to REC 2 objectives, two ocean sites and 14 of 21 creek sites, were 100% compliant. Six of 21 creek sites and three of six storm drains had zero % compliance with REC 2 objectives. Three of the creek sites with zero % REC 2 compliance were in San Juan Creek at PCH and below. From this survey five sites were identified for additional monitoring and bacteria source identification. Data collection at these sites was completed during the quarter, and samples have been submitted to laboratories for source identification. The final report is due in May 2002.

6. Rancho California Highlands II, LLC/William P. Johnson - ACL Status (Frank Melbourne)

On December 12, 2001, the Regional Board adopted ACL Order No. R9-2001-0216, in the amount of \$100,003, against William P. Johnson and Rancho California Highlands II, LLC for violations of the Construction Storm Water Permit. Payment of the liability was due by January 11, 2002. On February 13, 2002 (approximately 33 days late) Peter Suprunuk submitted a cashier's check for the full \$100,003 stipulated in the Administrative Civil Liability (ACL). This completes all milestones related to the ACL Order.

The construction site however, continues to be regulated under the authority of the Construction Storm Water Permit, and the Regional Board continues to oversee the site's compliance. On March 4, 2002, the Regional Board issued Notice of Violation No. R9-2002-0089 to William P. Johnson and Rancho California Highlands II, LLC for failing to pay the Construction Storm Water Permit 2002 annual fee and for failing to maintain appropriate Best Management Practices at the site. The continued non-compliance subjects William Johnson and Rancho California Highlands II, LLC to further enforcement action.

7. North Plaza, LLC/William P. Johnson - ACL Status *(Frank Melbourn)*

On January 9, 2002, the Regional Board adopted ACL Order No. R9-2002-0007, in the amount of \$103,397, against William P. Johnson and North Plaza, LLC for violations of the Construction Storm Water Permit. The ACL Order provided that \$45,000 of the liability would be waived if an escrow account worth \$45,000 for a creation of a wetland project within 30-days of the ACL Order's adoption.

On February 13, 2002 William Johnson submitted a check for \$103,397 stipulated in the Administrative Civil Liability (ACL). By paying the full amount Mr. Johnson elected to forgo funding the City of Murrieta's wetland project. This completes all milestones related to the ACL Order.

The construction site however, continues to be regulated under the authority of the Construction Storm Water Permit, and the Regional Board continues to oversee the site's compliance. On March 4, 2002, the Regional Board issued Notice of Violation No. R9-2002-0090 to William P. Johnson and North Plaza, LLC for failing to pay the Construction Storm Water Permit 2001/2002 annual fee and for failing to maintain appropriate Best Management Practices at the site. The continued non-compliance subjects William Johnson and North Plaza, LLC to further enforcement action.

8. Landfill Status

Clopyralid Herbicide in Green Waste/Compost Products *(John Odermatt)*

According to a fact sheet published by Washington State University (WSU): "Clopyralid is a broad-leaf herbicide used to control broadleaf weeds in lawns and many agricultural crops, including turf grass and cereal grains. The chemical kills clover, thistle and dandelions. Clopyralid is manufactured by Dow AgroSciences and sold under many brand names. Clopyralid is very persistent and passes through animals and through the composting process with very little breakdown." Since 1999, researchers at Washington

State University (WSU at <http://cahenews.wsu.edu/clopyralid.htm>) have been testing and finding significant residual concentrations of the herbicide in compost products.

The Los Angeles Times and the San Diego Union-Tribune both carried stories on this topic in December 2001 (attachment B-8a). The primary concern discussed by newspaper accounts concerns potential impacts of these findings upon the statewide green waste recycling efforts and composting industry that have arisen over the past 20 years. According to a more recent article in the LA Times (on February 19, 2002) states that "... green waste amounts to about a third of the 66 million tons of wastes generated each year." Most of that waste stream can be counted as waste diversion credits so it does not make its way into our landfills. The LA Times also quotes a source from the City of San Diego as stating "All of our green waste recycling efforts that have been promoted and developed by the city and state for the past 20 years are at risk because of this."

A Pesticide Fact sheet, prepared for the U.S. Department of Agriculture, Forest Service, includes information on potential Environmental Effects/Fate of Clopyralid herbicides in water resources. The complete fact sheet also contains additional information (e.g., on toxicity, human health, and ecological effects) and it is available on-line at: <http://infoventures.com/e-hlth/pesticide/choyrali.html> .

The Regional Board staff is currently collecting available information to assess the potential water quality threat posed by Clopyralid residues in green waste and compost products generated during operations at Municipal Solid Waste (MSW) Landfills in the San Diego Region. Other potentially affected facilities in the San Diego Region include green waste operations currently operating under the conditional waiver of waste discharge requirements (in Appendix D of the San Diego Region Basin Plan) for "Composting and Processing, Mulching and Grinding Facilities."

San Marcos Landfill – Closure *(Carol Tamaki and John Odermatt)*

Pursuant to California Code of Regulations, Title 27 (27 CCR), Sections 21585 and 21710, dischargers proposing to initiate closure of municipal solid waste (MSW) landfills must prepare a Report of Waste Discharge (ROWD) and submit it to the Regional Board as a Joint Technical Document ("JTD"). On January 9, 2002, the Regional Board received a Joint Technical Document ("JTD") from the County of San Diego including an amended Report of Waste Discharge (ROWD) for the closure of the San Marcos Landfill. Under the requirements of Addendum No. 1 to Cease and Desist Order 98-39, a complete JTD is required to be submitted to the Regional Board no later than June 30, 2002.

On February 8, 2002, the County of San Diego was notified of the Regional Board staff determination that the JTD was determined to be incomplete at this time. The staff letter also includes a number of specific comments and concerns that need to be addressed in the revised JTD. The staff will continue update the Regional Board in future Executive Officer Reports.

San Diego Region Burn-ash Sites *(Brian McDaniel, Amy Fortin, and John Odermatt)*

Cal-EPA has convened a work group including the State Water Resources Control Board (SWRCB), Department of Toxic Substances Control (DTSC) and the Integrated Waste Management Board (CIWMB) to address various issues related to the management of wastes from burn-ash sites. Cal-EPA has compiled a list of 527 burn-ash sites statewide of which 53 sites are located within the San Diego Region. Residual wastes associated with these sites commonly contain elevated and/or hazardous concentrations of metals (*e.g.*, lead, copper, chromium, *etc.*). Depending upon the site-specific location and nature of the wastes, the threat to water quality from these sites may be significant.

38th and Quince Street Burn-ash Cleanup: On January 16, 2002, Regional Board staff attended a meeting with the City of San Diego Environmental Services Division (City ESD), the City of San Diego Local Enforcement Agency (City LEA), the Department of Toxic Substances Control (DTSC), and U.S. Environmental Protection Agency (USEPA). The topic was the implementation of the proposed draft Removal Action Work Plan (RAW) prepared by the City ESD. The RAW proposes to remove an estimated 5,276 cubic yards of burn-ash wastes through excavation and off-site disposal. The project fact sheet is provided as an attachment (B-8b) for this item and includes the staging of wastes in temporary waste piles located on-site prior to transport and disposal at an off-site facility. The City ESD planning to initiate excavation of burn-ash wastes from residential property in early May 2002.

The Regional Board staff notified the City that the California Water Code requires the discharger to submit a Report of Waste Discharge (ROWD) and obtain either waste discharge requirements (WDRs) or a waiver of WDRs (pursuant to Water Code Section 13269) for temporary waste piles that would be generated during the execution of the RAW. On February 15, 2002, the City submitted an application for WDRs (with supporting information) for review by the Regional Board staff. The Regional Board staff recommends that it may be reasonable for the City ESD to obtain a conditional waiver of WDRs for the temporary waste piles to be generated during the project to cleanup burn-ash wastes. The Regional Board staff has notified the public that there will be an agenda item on this topic during the Regional Board meeting on April 10, 2002.

Rainbow Canyon Landfill (A.K.A. Temecula Landfill): On December 7, 2001 the Regional Board issued a Notice of Violation (NOV 2001-363) to Dr. Harinder Grewal for violation of Order 97-11: "*General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills within the San Diego Region.*" The NOV was successfully served on the discharger on January 24, 2002. The discharger requested to meet with the Regional Board staff to discuss the NOV and the current ownership of the landfill site.

Regional Board staff met with Dr. Grewal and a representative of the prospective buyer (Mr. Bruce Lang of Linway Communities, Inc.) to discuss current conditions, permit requirements and future data required from the site. Dr. Grewal indicated that she no longer owned the property and that it was transferred during 1994 to 1995. Regional Board staff requested that she provide documentation for the transfer and contact

information for the current owner. Dr. Grewal agreed to provide the Regional Board with ownership transfer documents and results from a title search within the next two weeks (by March 6, 2002). The Regional Board staff will review the information provided by Dr. Grewal.

Review of Statewide SWAT List: By January 1, 1986, the State Water Resources Control Board to rank all solid waste disposal sites, as required by Water Code Section 13273, based upon their perceived threat to water quality. Owners/operators of the listed sites are obligated to perform a minimum level of investigation under Water Code Section 13273.1 and report results to the Regional Board. The analyses required are commonly known as the Solid Waste Water Quality Assessment Test (or SWAT, Water Code Sections 13273 and 13273.1). The Regional Board staff are currently reviewing the statewide SWAT list to identify owners/operators of burn-ash sites who have not submitted SWAT information to the Regional Board as required by Water Code Section 13273. The Regional Board staff considers that using results from the required SWAT investigations could be very valuable in objectively assessing the need to take further regulatory actions at burn-ash sites in the San Diego Region.

Review Permit Fees for Solid Waste Sites (*John Odermatt*)

At the request of the State Water Resources Control Board (SWRCB), the Regional Board staff is reviewing the current levels of annual fees for solid waste facilities regulated under California Code of Regulations, Title 27 (Municipal Solid Waste - MSW Landfills) and Title 23, Chapter 15 (Discharge of Waste to Land – for Hazardous Wastes). Annual fees for Waste Discharge Requirements (WDRs) adopted by the Regional Board for MSW landfills are assessed through only one of two possible methods:

1.) Fees are assessed according to the threat to water quality (TTWQ) and complexity (CPLX) indices as prescribed in CCR Title 23, Section 2200 *et seq.* The TTWQ/CPLX method is used to assess the level of potential threat to beneficial uses of water resources by waste constituents discharged at/by the waste management unit. A frequently asked questions (FAQ) sheet is attached (B-8c) for this item. The funds collected through annual WDR fees from facilities regulated under Title 27 and Title 23, Chapter 15 are used to fund regulatory programs at the State and Regional Boards.

2.) Assessment of “tipping fees” on each ton of solid waste accepted at an active MSW landfill regulated under CCR Title 27. Effective in FY 2002-03, “tipping fees” will be assessed by the State Board of Equalization at a rate of \$1.40 per ton of municipal solid wastes. The State Board of Equalization collects “tipping fees” in lieu of annual WDR fees at active MSW landfills. These funds are used to support regulatory programs at both the California Integrated Waste Management Board and the SWRCB.

Documented releases of waste constituents into water resources elevates the threat level from a “potential” to an “actual” threat to beneficial uses of water resources. The Regional Board staff estimates the highest potential threats to water quality to be

associated with the following conditions at landfill facilities: leaking, unlined, "inactive" landfills that have not yet completed formal closure and leaking and unlined "inactive/closed." landfills without operating active remediation systems. The Regional Board staff is currently reviewing all the permitted inactive/closed landfills (subject to annual WDR fees) in the San Diego Region.

The Executive Officer issued letters of notifications to the following dischargers stating the reasons for our intent to raise fees for the following facilities: San Marcos Landfill (County of San Diego), Forster Canyon Landfill (County of Orange and San Juan Meadows LP) and Anza Landfill (County of Riverside). This assessment of higher fees is justified for permitted facilities requiring an allocation of additional staff resources for oversight of investigation of groundwater pollution and/or implementation of corrective action programs.

Alternative Daily Cover for Landfills – Autoshredder Wastes *(Brian McDaniel and John Odermatt)*

The Regional Board staff received a request from San Diego Landfill Systems/ALLIED Waste to use autoshredder wastes (ASW) as an alternative daily cover at the Sycamore and Otay Annex Municipal Solid Waste (MSW) Landfills. The Regional Board staff has determined there were several sources of regulatory requirements that apply to the reuse/disposal of ASW at MSW landfills. The applicable requirements include: State Water Resources Control Board, Resolution No. 87-22 – "Policy on Disposal of Autoshredder Wastes"; Regional Water Quality Control Board, Resolution No. 88-06 – "Policy on Disposal of Autoshredder Wastes"; Title 22 CCR, Section 66268.106 – "Treatment standards for Autoshredder Waste (ASW)", and Title 27 CCR, Section 20690 – "Alternative Daily Cover" (or ADC).

On February 15, 2002 the Executive Officer issued a letter regarding staff conclusions on the use of ASW as alternative daily cover (ADC) at the Otay Annex and Sycamore municipal solid waste (MSW) landfills. The Otay Annex Landfill is already identified as being authorized to accept ASW that meets the criteria specified in Regional Board Resolution No. 88-06. The proposed use of ASW as ADC at the Otay Annex Landfill must meet the criteria listed above and the more recent requirements in the applicable section(s) of 27 CCR. For the Sycamore Landfill, the same criteria must be met in order to use ASW as an alternative daily cover and remain in compliance with the existing state policies of the RWQCB and SWRCB.

Eucalyptus Landfill – Naval Weapons Station, Fallbrook Annex *(John Odermatt)*

The U.S. Navy operated the Eucalyptus Landfill for municipal solid wastes from the 1960's to 1974. The U.S. Navy has estimated that between 11,000 and 24,000 cubic yards of wastes, including undocumented quantities of hazardous wastes were discharged into the landfill. The Navy reports that ordinance was not discharged into the landfill, although ordinance has previously been found in proximity to the Eucalyptus Landfill.

The Navy has failed to implement any significant site investigation, monitoring or maintenance at the landfill since the site was added to the IR Program in the early 1990's.

On February 26, 2002, the Regional Board staff, from the DoD/SLIC unit (Mr. John Anderson and Ms. Beatrice Griffey) and the Land Discharge Unit (Mr. John Odermatt), met with representatives from the U.S. Navy (Navy) and the Department of Toxic Substances Control (DTSC). The applicable state requirements for monitoring and maintenance at the Eucalyptus Landfill are found in the California Code of Regulations (CCR), Title 23, Chapter 15.

The Eucalyptus Landfill is one of several potentially contaminated sites identified by the Installation Restoration (IR) Program at NWS- Fallbrook. The Regional Board staff will provide the Navy with a letter identifying the specific state requirements for landfill monitoring and maintenance.

Closure of Surface Impoundments – MCB Camp Pendleton *(Amy Fortin and John Odermatt)*

The Installation Restoration (I.R.) Program identified a number of sites for investigation under the Federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA) or “*Superfund*” law. Several of those IR sites are surface impoundments that are reportedly no longer in use by the U.S. Marine Corps (USMC).

On December 6, 2001, the Executive Officer issued a written request for the USMC to provide the Regional Board with either: (1) a report of waste discharge to operate existing surface impoundments in compliance with Water Code Section 13260, or (2) a schedule for closure of the existing surface impoundments in compliance with applicable state requirements (CCR Title 27). The due date for a response from the USMC was set for March 5, 2002.

On February 27, 2002, the USMC provided a response to the written request from the Regional Board Executive Officer. The Regional Board staff is currently reviewing the response provided by the USMC.

9. San Diego Municipal Storm Water Permit Update *(Phil Hammer)*

On February 21, 2002, two major submittals under the San Diego Municipal Storm Water Permit (Permit) were due to the Regional Board office – the Model Standard Urban Storm Water Mitigation Plan (SUSMP) and each Copermittee's Jurisdictional Urban Runoff Management Plan (JURMP). Both the Model SUSMP and the twenty JURMPs (representing each of the Copermittees) were submitted on time.

The Model SUSMP addresses how the Copermittees will manage urban runoff from new development and significant redevelopment. Over the past year, staff has worked directly with the Copermittees on the development of this document, and provided written comments on the final draft in December 2001. Staff is currently conducting a final review of the document to ensure all comments have been addressed, after which the

document will be presented to the Regional Board for consideration, as required by the Permit. Following final approval of the Model SUSMP by the Regional Board, the Copermittees will have six months to implement their programs to manage urban runoff from new development and significant redevelopment.

The JURMP documents are required to comprehensively describe how each Copermittee will manage urban runoff within their jurisdictions. Staff is now carefully reviewing these documents for compliance with the requirements of the Permit. Upon completion of review of the JURMPs, staff will be providing each Copermittee with written comments covering the findings of the review. Recent newspaper articles regarding the JURMPs are included as Attachment B-9.

10. Status of the Orange County Municipal Storm Water Permit (*Dave Gibson*)

Following the adoption of Order R9-2002-0001, several articles and editorials, including a highly critical commentary on the Order by Sherri Butterfield, the Mayor Pro-Tem of Mission Viejo, were published in the Orange County Register and Los Angeles Times (Attachment B-10a).

On February 21, 2002, Robert Morris made a presentation on the adoption of the Order to the monthly South Orange County Mayors Meeting in Laguna Beach. During the presentation, Mr. Morris emphasized that the Municipal Storm Water Copermittees in San Diego County have been able to prepare the Jurisdictional Urban Runoff Management Program Documents on time and have found them to be valuable. Mr. Morris offered to pass on information from the staff review of these documents to the to the Orange County Copermittees to facilitate the development of their JURMP Documents.

The Final Order and Fact Sheet have been posted on the Regional Board website and distributed to each of the Orange County Copermittees. The Copermittees and other interested parties have been encouraged to submit questions and requests for clarification to staff in writing or by email so the questions, responses, and clarifications may be added to the Frequently Asked Questions document. This document, originally prepared at the request of Board Member Ghio, has been posted on the website and will be updated as staff receives questions and feedback on the municipal storm water permit.

The Cities of Dana Point and Lake Forest filed a request on February 28, 2002, for the preparation of the Administrative Record (Attachment B-10b) and indicated their intent to file a petition with the State Water Resources Control Board to review Order No. R9-2002-0001. It is anticipated that additional petitions to review the Order will be filed with the SWRCB before March 13, 2002. Staff is preparing the Administrative Record and will prepare a response to the petition(s).

11. Aliso Creek 13225 Directive for an Investigation of Urban Runoff, 3rd Quarterly Progress Report (*Jeremy Haas*)

On March 2, 2001, the Regional Board issued a Directive pursuant to California Water Code Section 13225 to the municipalities in the Aliso Creek watershed for an investigation of urban runoff in the Aliso Creek watershed. The Directive requires weekly bacteria monitoring and reports of efforts by the copermittees to identify sources of fecal coliform impairment. The reports also require evaluation of BMP effectiveness and identification of future measures to eliminate high bacteria levels from the storm water outfalls.

On January 31 the County of Orange, on behalf of the Cities of Aliso Viejo, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, and Mission Viejo, submitted the third quarterly progress report covering October, November, and December 2001. The report includes monitoring data, activities taken during the quarter and planned actions. On February 26, 2002, staff met with the Copermittees to discuss the report and planned activities. At the February 26 meeting, a consultant presented the broad scale business education strategy of the County and discussed how it could provide a framework for the Aliso Creek copermittees to develop targeted outreach materials. Copermittees also discussed results from reconnaissance activities, and staff encouraged the copermittees to aggressively abate the pollutant sources identified.

Summary of Receiving Waters Data: Monitoring data were collected for 15 weeks. Data was collected at roughly 40 storm drain outfalls and approximately 25 feet upstream and downstream of each outfall. The Rec-1 beneficial use was rarely met, and the Rec-2 beneficial use was met more frequently than during the previous quarter. Analyses show that fecal coliform discharges from storm drains were significantly different from the 2nd quarter, but similar to discharges in the first quarter. Similar analyses show that receiving waters concentrations upstream of monitored outfalls did not change from the 2nd to 3rd

Monitoring Summary for First Three Aliso Creek Directive Reporting Periods

Reporting Period	Samples That Met REC-1			Samples That Met REC-2		
	1	2	3	1	2	3
Storm drains	1/66	0/99	1/103 (1%)	7/66	2/100	9/103 (9%)
Upstream	1/58	0/89	2/98 (2%)	30/58	38/91	39/98 (40%)
Downstream	0/62	0/94	1/103 (1%)	22/62	21/96	48/105 (46%)

quarter, but that fecal coliform concentrations in downstream receiving water had significantly decreased from a geometric mean of 2479 to 1886 MPN/100ml. A separate analysis that compared all 40 weeks of fecal coliform data from 28 pairs of upstream and downstream sampling points concluded that 10 of the 28 stormdrains evaluated resulted in significant increases in downstream receiving water fecal coliform concentrations.

Copermittees' Response to Monitoring Data: Last quarter, nine storm drains were identified as priority systems by five copermittees. This includes 5 of the 10 storm drains

noted above as having a significant impact, and not all 10 were priorities because several copermittees have areas draining multiple problem drains. The copermittees report to varying degrees the results of their field screening/reconnaissance activities. Notably, the City of Aliso Viejo reported that by sampling hot spots within a drainage area, they were able to track elevated bacteria counts to a malfunctioning grease interceptor at a restaurant. Also, as a result of field screening, the City of Laguna Hills has identified horse wash racks as a potential source of elevated bacteria levels, and the City of Mission Viejo has hired a consultant to inventory each commercial establishment in one of their priority drainage areas. Based on the report and meeting, staff feels that overall the copermittees are responding to the Directive, resulting water quality data, and field reconnaissance results to varying degrees. As a result, for the first time, staff will prepare tailored responses to each copermittee, rather than a general response.

Planned Water Quality Enhancements: At the February 26 meeting of the Aliso Creek copermittees, the County of Orange reported that a consultant is modeling potential water quality improvement activities in order to prioritize corrective actions in the stream corridor. Other previously reported planned enhancements, including ultraviolet filtration systems, stream restoration and wetland creation projects, and educational materials are in various permitting or planning stages.

12. Budget Trade and Gas Administrative Civil Liability Complaint – Ability to Pay Analysis (*Sue Pease*)

At the October 2001 board meeting, the RWQCB deferred acting on ACL Complaint No. 2000-256 until the April 2002 board meeting, in part, to allow time for the Office of Statewide Initiatives to undertake an “Ability to Pay Analysis.” This analysis would determine Mr. & Mrs. Hsu’s ability to pay the previously assessed civil liability of \$35,680 (ACL Order No. 2000-23). The RWQCB indicated that it would consider the Hsus’ ability to pay the existing ACL before making a decision regarding the second ACL complaint. This pending complaint recommended that the RWQCB assess a civil liability penalty of \$146,500 against the Hsus’ for failing to submit a corrective action plan for remediation of ground-water pollution at their facility.

In early November 2001, OSI informed the RWQCB that specific financial documents were needed to perform the analysis. After repeated reminders from staff, Mr. Hsu finally submitted the last of the required documents last month. On February 22, 2002, RWQCB staff forwarded the financial documents from Mr. Hsu to the OSI for the analysis. After reviewing the documents, the OSI informed staff on March 5 that additional documents are needed to complete the analysis. Staff plans to schedule a conference call to include OSI staff, RWQCB staff, Mr. Hsu and a Mandarin Chinese translator to ensure that Mr. Hsu understands exactly what documents are needed by OSI. If Mr. Hsu produces the documents expeditiously, the OSI should be able to complete the analysis before the April 2002 Board Meeting. If not, staff recommends that the Budget Trade and Gas agenda item for April be postponed until the analysis is completed.

13. Proposition 13 - Status of Grant Applications (*Deborah Woodward*)

February 1, 2002 was the application deadline for Phase II of the Costa-Machado Water Act of 2000 (Prop 13) water quality/watershed grant program. The Division of Water Quality (SWRCB) received 571 applications statewide, 71 for projects within the San Diego Region.

Statewide, this second round of Prop 13 funding provides a total of \$82 million through the following five programs:

Coastal Nonpoint Source Pollution Control Program (CNPS)	\$30M
Nonpoint Source Pollution Control Program (NPS)	\$22M
Watershed Protection Program (WP)	\$10M
CALFED Watershed Protection Program (CALFED WP)	\$10M
CALFED Drinking Water Quality Program (CALFED DWQ)	\$10M

The total amount for which projects in the San Diego Region can compete is \$63.8M. The CNPS, NPS and WP programs provide \$43.8M that must go to projects within the six southern California counties of San Diego, Orange, Los Angeles, Ventura, Riverside, and San Bernardino. Hence, the Los Angeles, Santa Anna, and San Diego Regions will share the funds from those programs. The \$20M from the CALFED programs will most likely go to projects in the CALFED area (Central Valley Region), but could fund projects in the our region that have substantive links to CALFED goals. CALFED is a consortium of state and federal agencies that deals mainly with water quality and supply issues in the San Francisco Bay-Delta area. The WP and CALFED WP programs are limited to small communities that meet special financial hardship criteria.

Applicants could request \$50,000 to \$5M per project, and the 71 applications from the San Diego Region total \$68M. Because the amount requested far exceeds the amount our region can expect to be awarded (perhaps as much as \$15M), it is incumbent upon us to select and recommend for funding the best of the projects proposed.

During March, staff will evaluate the applications in the CNPS, NPS, and WP programs. Evaluation and scoring procedures are being developed. In April, staff will notify applicants as to whether their project has been selected to proceed to the full proposal stage. Successful applicants must submit full proposals by May 30. Staff will then review full proposals and recommend the most worthwhile for funding. Final selection and announcement of awards by the SWRCB will be done in October 2002.

Staff expects that a number of excellent water quality improvement projects will be implemented in our region next year as a result of this Prop 13 (Phase II) funding.

PART C

STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

There are no items to report in Part C.